

SENATE BILL 577

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2lr2965
CF HB 194

By: ~~Senator Reilly~~ Senators Reilly, Middleton, Astle, Garagiola, Glassman,
Kelley, Kittleman, Klausmeier, Muse, and Pugh

Introduced and read first time: February 3, 2012

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2012

CHAPTER _____

1 AN ACT concerning

2 **State Traumatic Brain Injury Trust Fund**

3 FOR the purpose of establishing the State Traumatic Brain Injury Trust Fund as a
4 special fund to be used to support certain services for certain individuals with
5 traumatic brain injuries; requiring the ~~Director~~ Secretary of the Developmental
6 Department of Disabilities Administration or the ~~Director's~~ Secretary's designee
7 to administer the Fund; requiring the ~~Director~~ Secretary or the ~~Director's~~
8 Secretary's designee to report to the Governor and the General Assembly on or
9 before a certain date each year; establishing eligibility for individuals to receive
10 assistance from the Fund; adding the Fund to a certain list of funds the interest
11 earnings of which are exempt from accruing to the General Fund of the State;
12 defining certain terms; prohibiting the Department from hiring an employee to
13 administer the Fund until the balance of the Fund is at least a certain amount;
14 and generally relating to the establishment of the State Traumatic Brain Injury
15 Trust Fund.

16 BY adding to

17 Article – Health – General

18 Section 13–21A–01 through 13–21A–03 to be under the new subtitle “Subtitle

19 21A. State Traumatic Brain Injury Trust Fund”

20 Annotated Code of Maryland

21 (2009 Replacement Volume and 2011 Supplement)

22 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – State Finance and Procurement
 2 Section 6–226(a)(2)(ii)62. and 63.
 3 Annotated Code of Maryland
 4 (2009 Replacement Volume and 2011 Supplement)

5 BY adding to
 6 Article – State Finance and Procurement
 7 Section 6–226(a)(2)(ii)64.
 8 Annotated Code of Maryland
 9 (2009 Replacement Volume and 2011 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article – Health – General**

13 **SUBTITLE 21A. STATE TRAUMATIC BRAIN INJURY TRUST FUND.**

14 **13–21A–01.**

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 16 INDICATED.

17 (B) “DIRECTOR” MEANS THE ~~DIRECTOR~~ SECRETARY OF THE
 18 ~~DEVELOPMENTAL DEPARTMENT OF DISABILITIES ADMINISTRATION.~~

19 (C) “FUND” MEANS THE STATE TRAUMATIC BRAIN INJURY TRUST
 20 FUND.

21 (D) “TRAUMATIC BRAIN INJURY” HAS THE MEANING ESTABLISHED IN
 22 THE POLICIES AND PROCEDURES ADOPTED BY THE STATE TRAUMATIC BRAIN
 23 INJURY ADVISORY BOARD UNDER § 13–2105 OF THIS TITLE.

24 **13–21A–02.**

25 (A) THERE IS A STATE TRAUMATIC BRAIN INJURY TRUST FUND.

26 (B) (1) THE PURPOSE OF THE FUND IS TO ASSIST IN THE PROVISION
 27 OF THE FOLLOWING SERVICES TO ELIGIBLE INDIVIDUALS WHO HAVE
 28 SUSTAINED TRAUMATIC BRAIN INJURIES:

29 (I) MEDICAL SERVICES;

30 (II) INDIVIDUAL CASE MANAGEMENT SERVICES;

- 1 (III) REHABILITATION SERVICES;
- 2 (IV) DURABLE MEDICAL EQUIPMENT;
- 3 (V) ASSISTIVE TECHNOLOGY ASSESSMENT AND
4 EQUIPMENT;
- 5 (VI) SERVICES TO ASSIST IN A RETURN TO DRIVING AND
6 RELATED EVALUATION AND TRAINING;
- 7 (VII) NEUROBEHAVIORAL HEALTH SERVICES;
- 8 (VIII) NEUROPSYCHOLOGICAL EVALUATION;
- 9 (IX) NURSING HOME TRANSITION SERVICES;
- 10 (X) COMMUNITY REENTRY SERVICES;
- 11 (XI) EDUCATIONAL NEEDS;
- 12 (XII) HOUSING AND RESIDENTIAL SERVICES; AND
- 13 (XIII) TRANSPORTATION SERVICES.

14 (2) THE FUND MAY BE USED TO SUPPORT PREVENTION,
15 EDUCATION, AND AWARENESS PROGRAMS.

16 (C) THE ~~DIRECTOR~~ SECRETARY OR THE ~~DIRECTOR'S~~ SECRETARY'S
17 DESIGNEE SHALL ADMINISTER THE FUND.

18 (D) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT
19 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

20 (2) THE STATE TREASURER SHALL HOLD THE FUND
21 SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

22 (E) THE FUND CONSISTS OF:

23 (1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

24 (2) INVESTMENT EARNINGS OF THE FUND; AND

1 **(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED**
2 **FOR THE BENEFIT OF THE FUND.**

3 **(F) THE FUND MAY BE USED ONLY TO PROVIDE FUNDING FOR THE**
4 **PURPOSES DESCRIBED IN SUBSECTION (B) OF THIS SECTION.**

5 **(G) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE**
6 **FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.**

7 **(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE**
8 **CREDITED TO THE FUND.**

9 **(H) MONEY EXPENDED FROM THE FUND TO SUPPORT SERVICES TO**
10 **INDIVIDUALS WITH TRAUMATIC BRAIN INJURIES IS SUPPLEMENTAL TO AND IS**
11 **NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT WOULD OTHERWISE BE**
12 **APPROPRIATED FOR THOSE SERVICES.**

13 **(I) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE ~~DIRECTOR~~**
14 **SECRETARY OR THE ~~DIRECTOR'S~~ SECRETARY'S DESIGNEE SHALL SUBMIT A**
15 **REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE**
16 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE NUMBER OF**
17 **INDIVIDUALS SERVED AND THE SERVICES PROVIDED IN THE PRECEDING FISCAL**
18 **YEAR USING THE FUND.**

19 **13-21A-03.**

20 **(A) TO BE ELIGIBLE FOR ASSISTANCE FROM THE FUND, AN INDIVIDUAL**
21 **SHALL:**

22 **(1) BE A UNITED STATES CITIZEN AND A RESIDENT OF THE**
23 **STATE AT THE TIME OF THE TRAUMATIC BRAIN INJURY;**

24 **(2) HAVE A TRAUMATIC BRAIN INJURY THAT HAS BEEN**
25 **DOCUMENTED IN THE MEDICAL RECORDS OF THE INDIVIDUAL;**

26 **(3) HAVE INCOME AT OR BELOW 300% OF THE FEDERAL POVERTY**
27 **LEVEL; AND**

28 **(4) HAVE EXHAUSTED ALL OTHER HEALTH, REHABILITATION,**
29 **AND DISABILITY BENEFIT FUNDING SOURCES THAT COVER THE SERVICES**
30 **PROVIDED BY THE FUND.**

1 (B) AN INDIVIDUAL MAY NOT RECEIVE SERVICES FROM THE FUND
2 COSTING MORE THAN:

3 (1) THE ANNUAL AMOUNT ESTABLISHED BY POLICIES AND
4 PROCEDURES ADOPTED BY THE ~~DIRECTOR~~ SECRETARY OR THE ~~DIRECTOR'S~~
5 SECRETARY'S DESIGNEE; AND

6 (2) THE LIFETIME OF THE INDIVIDUAL AMOUNT ESTABLISHED BY
7 POLICIES AND PROCEDURES ADOPTED BY THE ~~DIRECTOR~~ SECRETARY OR THE
8 ~~DIRECTOR'S~~ SECRETARY'S DESIGNEE.

9 Article – State Finance and Procurement

10 6–226.

11 (a) (2) (ii) The provisions of subparagraph (i) of this paragraph do not
12 apply to the following funds:

13 62. Veterans Trust Fund; [and]

14 63. Transportation Trust Fund; AND

15 64. STATE TRAUMATIC BRAIN INJURY TRUST FUND.

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
17 Disabilities may not hire an employee to administer the State Traumatic Brain Injury
18 Trust Fund established under Title 13, Subtitle 21A of the Health – General Article,
19 as enacted by Section 1 of this Act, until the balance of the Fund is at least \$500,000.

20 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
21 effect October 1, 2012.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.